



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Toshimichi KURIHARA, et al.** Examiner: **Nema O. Berezny** *th 3  
election  
J. McMillan  
10/15/02*

Serial No.: **09/942,445** Unit: **2813**

Filed: **Aug. 30, 2001** Docket: **14872**

For: **SEMICONDUCTOR DEVICE AND  
MANUFACTURING METHOD THEREOF** Dated: **October 7, 2002**

Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

Pursuant to the Restriction Requirement imposed in the Official Action dated September 11, 2002, Applicants provisionally elect the claims of Group I, i.e., Claims 1-18, for continued prosecution herein.

Claims 1-21 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

---

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on October 7, 2002.

Dated: October 7, 2002

*Janet Grossman*  
Janet Grossman

TECHNOLOGY CENTER 2800

RECEIVED  
OCT 15 2002

Group I, Claims 1-18, drawn to a semiconductor device, classified in class 257, subclass 712; and

Group II, Claims 19-21, drawn to a method of making a semiconductor device, classified in class 438, subclass 122.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants provisionally elect to prosecute the subject matter of Group I, Claims 1-18. However, Applicants reserve the right under 35 U.S.C §121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Paul J. Esatto, Jr.  
Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

PJE:ahs

O I P E

OCT 10 2002

TRANSMITTAL LETTER  
(General - Patent Pending)Docket No.  
14872

2813

In Re Application Of: Toshimichi KURIHARA, et al.

Serial No.  
09/942,445Filing Date  
Aug. 30, 2001Examiner  
Nema O. BereznyGroup Art Unit  
2813,

Title: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Response to Restriction Requirement**RECEIVED  
OCT 15 2002  
TECHNOLOGY CENTER 2800

in the above identified application.

No additional fee is required.

A check in the amount of \_\_\_\_\_ is attached.

The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 19-1013/ssmp as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \_\_\_\_\_

Credit any overpayment.

Charge any additional fee required.

Signature

Paul J. Esatto, Jr., Reg. No. 30,749  
**SCULLY, SCOTT, MURPHY & PRESSER**  
 400 Garden City Plaza  
 Garden City, NY 11530  
 (516) 742-4343

PJE:ahs

Dated: October 7, 2002

I certify that this document and fee is being deposited on Oct. 7, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Janet Grossman

Typed or Printed Name of Person Mailing Correspondence

CC: